

1 Hon. Thomas S. Zilly
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 KINSALE INSURANCE COMPANY, a
8 foreign insurer

9 Plaintiff,

10 v.

11 RUFF CONSTRUCTION INC., f/k/a RUFF
12 CONSTRUCTION & MAINTENANCE,
13 INC., a Washington corporation; and JOSE
FRANCISCO MORALES OLGUIN, an
individual,

14 Defendants.

15 No. 2:22-cv-1045 TSZ

**DECLARATION OF KEVIN J. KAY IN
SUPPORT OF KINSALE INSURANCE
COMPANY'S RESPONSE IN
OPPOSITION TO DEFENDANT
OLGUIN'S MOTION FOR JOINDER OF
TRINITY SHEET METAL, INC.**

16 I, KEVIN J. KAY, hereby declare as follows.

17 1. I am an attorney of record for Kinsale Insurance Company (Kinsale) in this action.

18 I am over the age of eighteen (18) years, I am competent to testify in this matter and I make this
19 declaration based on my direct personal knowledge and on the records and files maintained by
20 Lether Law Group in the ordinary course of business.

21 2. Kinsale and Ruff Construction Inc., f/k/a Ruff Construction & Maintenance, Inc.
22 (Ruff), have come to the agreement that there is no coverage available for the claims against
23 Ruff in the lawsuit that underlies this matter. Ruff has also agreed to withdraw its tender for

1 defense and indemnity of the lawsuit that underlies this matter.

2 3. Attached hereto as **Exhibit A** to a true and correct copy of the Executed
3 Settlement and Release Agreement between Kinsale and Ruff.

4 I DECLARE PURSUANT TO THE LAWS OF PERJURY OF THE STATE OF
5 WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

6 Signed this 24th day of April, 2023 in Seattle, King County, Washington.

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9 /s/ *Kevin J. Kay*
10 Kevin J. Kay, WSBA #34546

CERTIFICATE OF SERVICE

The undersigned hereby certify under the penalty of perjury under the laws of the State of Washington that on this date I caused to be served in the manner noted below a true and correct copy of the foregoing on the parties mentioned below as indicated:

Derek Moore, WSBA #37921
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206-592-9000
Counsel for Jose Olguin

By: First Class Mail ECF

DATED this 24th day of April 2023 at Seattle, Washington.

/s/ Nico Schulz
Nico Schulz | Paralegal

DECLARATION OF KEVIN J. KAY IN SUPPORT OF
KINSALE'S RESPONSE IN OPPOSITION TO MOTION
FOR JOINDER – 3

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